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BEFORE THE ASSAM BACKWARD CLASSES COMMISSION

Case No.1 of 1994

1. Nikhil Bishnupriya Manipuri Students -Petitioners
Union

2. Nikhil Bishnupriya Manipuri Maha Sabha

3. Bishnupriya Manipuri Samaj Santha

Versus

1. Manipuri Language Protection -Objectors
Committee

2. United Manipuri Association

3. All Assam Manipuri Students Union

4. All Assam Manipuri Women Welfare Association

PRESENT: 1. Hon'ble Mr Justice S.Haque-Chairperson

2. Shri Dhruva Narayan Barua - Member

3. Dr G.C.Sharma Thakur -Member

4. Smti Priyambada Konger -Member

5. Shri N.N.Barua, IAS(Retd)-Member-Secretary

Advocates: 1. Shri B.K.Sharma | - For Petitioners

2. Shri P.K.Tiwary

3. Shri S.Sharma

4. Shri B.S.Singh

1. Shri B.L.Singh | - For Objectors

2. Shri Mani Singh |

Shri Shanti Kumar Sinha-For Petitioner No.2

Dr Sanajaoba | - For Objector

Dr Birmoni Singh |

Dated Guwahati the 29th September, 1995.

ORDER

The Bishnupriya Manipuri people of Assam through their Associations, namely, the Bishnupriya Manipuri Samaj Santha, the Nikhil Bishnupriya Manipuri Mahasabha and the Nikhil Bishnupriya Manipuri Students Union (hereinafter called as the petitioners) have prayed for an order directing an amendment of the Serial No.13(Manipuri) of the Assam Other Backward Classes list by splitting it into two classes and to....

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Chairperson,
Assam Backward Classes Commission,
Guwahati.

show the Bishnupriya Manipuri in one of these two classes. They have submitted Affidavits in support of their claim and filed documents to substantiate.

Shri Satish Chandra Singha of Kohima on behalf of the Bishnupriya Manipuri people of Nagaland by petition dated 1.11.94 supported the claim of the petitioners. Dr K.P.Singha, Professor, Department of Sanskrit, Tripura University, Agartala submitted statements under his forwarding letter dated 22.10.94 supporting the claim of the petitioners. He has filed copies of his book ' The Bishnupriya Manipuri- Their Language, Literature and Culture' to substantiate his statements.

The Meitei Manipuri group in Assam through their Associations, namely, the Manipuri Language Protection Committee, the United Manipuri Association, the All Assam Manipuri Students Union and the All Assam Manipuri Women Welfare Association (hereinafter called as the objectors) have filed objections. Their main objection is that the Bishnupriya people are not entitled to prefix or suffix the term 'Manipuri' for the purpose of Bishnupriya identity or Bishnupriya Language identity and have prayed to look in to that the term 'Manipuri' is not illegally prefixed or suffixed to Bishnupriya while recognising the Bishnupriya people's identity or Bishnupriya language identity. They have filed Affidavits and documents in support of their objections.

for
Chairperson,
Award Class Commission,
Imphal.

The objectors have not filed any counter on the statement and Book, referred to above, of Dr K.P.Singha inspite of service of copy on them.

The All Assam OBC Association has expressed their views in writings dated 30.11.94 and 13.4.95. The objectors have not filed any counter on the views of the Association.

Learned Advocates made their submissions with reference to statements and documents of their respective parties. Dr Sanajaoba, Dr Birmoni Singh and Shri CH Bijando Singh also submitted for the objectors.

In the light of submissions by the parties with reference to originality of Meitei and Bishnupriya people and their languages in Manipur; and also at the same time their(both sections) identity and languages in Assam, we consider it proper to state briefly the acceptable position based on record/documents and our views as under:-

The inhabitants of Manipur did identify them as 'Manipuri' or 'Manipuris' since past centuries. The land 'Manipur' was formerly divided into small territory occupied by different clans, namely, the Khumals, the Muraings, the Angomas, the Ningthoujas and the Nungos. These territories were known after the names of the respective clans. The people of Ningthoujas clan were Meiteis. In course of time, the Meiteis occupied all those territories towards 15th Century AD and established a sovereign kingdom known as Meitei-Leipak'(land

for
Chairperson,
Assam Backward Classes Commission,
Gurwahati.

(Contd).

--page 4--

of the Meiteis). As a result of unification of of those small territories, the clans got inter-mixed and consequently, the modern Meitei language was formed after the 15th century AD. In course of time, this language was identified as 'Manipuri Language' as it is understood today.

Bishnupriyas were living in the Valley of Manipur from centuries before the establishment of 'Meitei-Leipak'. The Meiteis called the Bishnupriyas as 'Mayangs' and the history of 'Mayangs' in Manipur goes back to the 7th Century AD, if not still earlier. That does not mean that the Bishnupriya language, as it is understood today, is the language of those Mayangs of the 7th or 8th centuries. Bishnupriya language being a new Indo-Aryans origin and, as such, it could not be formed before the 11th or 12th centuries AD. The Bishnupriya language is a developed form of the language of the migrants who entered Manipur before the 12th or 13th centuries AD. Prior to that period, the Mayangs or Bishnupriyas in Manipur spoke different forms of dialects of late Middle Indo-Aryans or Apabhramsa in which Eastern Magadhi was predominant. The Bishnupriya language as it is understood today was formed towards the 14th and 15th centuries as a result of the mixture of those different dialects of Indo-Aryans group. This language of the Bishnupriya was called 'Bishnupriya Manipuri' language and it has been highly developed.

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Chairperson,
Backward Classes Commission,
Imphal.

The Meiteis/Ningthoujas entered Manipur from east, and most probably of Tai origin and their original spoken language was Tibeto-Burma Group. Whereas, the Bishnupriyas entered Manipuri from West and their original spoken language was Indo-Aryan group slightly akin to 'Bengali'. The Bishnupriya people were purely followers of Bishnu-cult from very ancient times. They installed the image of Lord Bishnu at Bishnupur, a place in Manipur. The centre of culture of these people being at Bishnupur, so they were named 'Bishnupuriyas' (inhabitants of Bishnupur) and thus 'Bishnupriya' was a contracted form of 'Bishnupuriyas'. This tradition is confirmed with the name 'Bishnupriya Manipuri' in the record of GA Grierson.

Therefore, the position thus stands that the different clans of the Mangoloid people and the Mayangs/Bishnupriyas lived side by side in Manipur for centuries before 15th century. The Meitei language was formed after 15 century AD and the Bishnupriya language was formed towards the 15 Century AD, both on the soil of Manipur. The 'Manipuri' was attributed to the land, in all probability, after this period, i.e towards the 17th century when the land was on way to full Aryanisation, in consequence whereof the 'Manipuri' was attributed to the people of Manipur. Therefore, the terms 'Manipur' and 'Manipuris' have been in

use by both the Meiteis and the Bishnupriyas commonly with equal right to them; and, practically, people of ~~th~~ both these clans used these two terms 'Manipur' and 'Manipuris' without any reservation to identify their land and themselves respectively. In Assam since long past, both the Meiteis and the Bishnupriyas had common recognition and identity as 'Manipuri' without any reservation and they have been maintaining their recognition/identity as ~~n~~ such for all practical purposes. But the Meitei section of people follow their language identifying as 'Manipuri' language, whereas the Bishnupriya section of people follow their language identifying as 'Bishnupriya-Manipuri' language.

The Bishnupriya in Assam, since their inception of migration (before 1806 and 1829 AD also thereafter) from Manipur, had with them their fully developed language called 'Bishnupriya ~~Mx~~ Manipuri' and commonly/ordinarily kept in use for all purposes till date. Since that time the Manipuri people of Bishnupriya section in Assam identified them as Bishnupriya Manipuri with their language 'Bishnupriya Manipuri' which were commonly ~~xx~~ recognised in Assam without any reservation for all practical purposes. This is a settled position.

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Chairperson,
Assam Backward Classes Commission,
Guwahati.

The term Manipuri or Manipuris in Assam include the Meities, Bishnupriyas and Manipuri Muslims. Majority of them had settled in the district of Cachar(old) and the rest are scatteredly living in other part of Assam. The culture of both the sections are uniform in all respects. Their Kirtan, Rasalila, dance, music, customary dress, food habit, living style, marriage and Sardha system and all other socio-cultural formalities are homogeneous. The only difference between the Meitei and Bishnupriya is linguistic point of view. The Meiteis follow the Manipuri language, whereas the Bishnupriyas follow the Bishnupriya ^{Manipuri} language. But in reality both the sections of people strictly identify themselves as Manipuri. This is a settled position.

The Manipuri Muslims follow a different culture on Islamic traditions.

The Annual Return Forms of the Educational Department for schools in the district of Cachar distinctly indicated Meitei and Bishnupriya under one column as 'Manipuri' for their identification since several decades. This was established by the two returns of Karimganj and Silchar Sub-divisions for the years 1961-62 and 1969-70 respectively. These documents are ⁱⁿ the record and relied upon. The Govt of Assam also under written order/communication as back as on August/September, 1975 decided that the Bishnupriya Manipuri is a religious ^{section} of Hindu Manipuri in Assam. Therefore, the term 'Hindu Manipuri' in Assam includes

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Chairperson,
Backward Classes Commission,
Gurwahab.

both Meitei Manipuri and Bishnupriya Manipuri.

Sir George Grierson in his Linguistic Survey of India declared Bishnupriya section as 'Bishnupriya Manipuri' and their language as 'Bishnupriya Manipuri'. This view had been accepted and recognised by all the Authorities in India. The Linguistic Minorities Commission in India in its 20th report for the period July 1978- June, 1980 at para 33.24 made positive recommendation that:-

" On the basis of the report of Sir Grierson classifying Bishnupriya Manipuri as a distinct language, the Registrar General of Census, Govt of India provided Bishnupriya Manipuri as a separate mother-tongue in their code for the 1981 Census, the demand of the speakers of the Bishnupriya regarding nomenclature of their language as Bishnupriya Manipuri appears reasonable and justified. Therefore, the demand of the speakers of the Bishnupriya Manipuri regarding name of their language should be met".

Relying on the above recommendation, the Commissioner for Linguistic Minorities in India, Allahabad, by letter dated 2nd May 1981, concerning the demand of Bishnupriya Manipuri for introduction of Bishnupriya Manipuri language at the Primary stage of education in Cachar district, communicated to the Govt of Assam as reply of Assam Govt letter dated 5th March, 1981 that it would be clear that the demand of the speakers of the Bishnupriya Manipuri regarding nomenclature of their language as 'Bishnupriya Manipuri' appeared reasonable and justified and in view of this position the Govt of Assam

By
Chairperson,
Backward Classes Commission,
Guwahati.

may consider their decision and take necessary action to meet the demand of speakers of Bishnupriya Manipuri.

After the communication dated Allahabad the 2nd May 1981 of the Govt of India, the Govt of Assam had approved the inclusion of Bishnupriya Manipuri language as medium of instruction in the Primary stage of education in Cachar district vide Notification No.EMI 169/74 Pt III/310 dated 14th November 1983. Subsequently, on 8th December 1983, the Govt asked Director of Elementary Education to keep the order dated 14.11.83 pending until further orders. Again the Govt of Assam by order under the letter dated 21.9.89 directed the DEE to implement the order under Notification dated 14.11.83. Surprisingly again the Govt stayed the order dated 21.9.89 by Notification dated 9th November 1989. However, the settled position is that the Govt of Assam has approved for inclusion of Bishnupriya Manipuri language as a medium of instruction in the Primary stage of education in the district of Cachar(Now Cachar, Karimganj and Hailakandi districts), but only practical implementation is awaited.

One weekly newspaper ' NUA-DRISTI ' (22/1/78) in Bishnupriya Manipuri language and Assamese is being published from Guwahati since 1990 after obtaining approval from Govt and Certificate of Registration for Newspapers RNI/NO 40965 of 1990. Another weekly newspaper 'TRIPURA CHY' in Bishnupriya Manipuri language

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Chairperson,
Backward Classes Commission,
Guwahati.

is being published in Tripura for more than 15 years. This goes to show that Bishnupriya Manipuri language has been in public circulation.

The All India Radio, Guwahati was broadcasting folk songs in Bishnupriya Manipuri language since before 1969. This fact is substantiated from the letter of the Commissioner for Linguistic Minorities in India dated Allahabad 29 September 1969 (This document is in the record). This clearly indicates that the authority of All India Radio, Guwahati had recognised the Bishnupriya Manipuri language for broadcasting in that language since before 1969.

The objectors made submissions with reference to the state of affairs in the State of Manipur in respect of Bishnupriya section of people. It is not clearly known if the Bishnupriya people and ^{their} ~~the~~ language had been completely extinct in the State of Manipur. However, they are not in the list of OBC (notified in 1994 on the recommendation of Expert Committee) in the State of Manipur. The Govt of Assam and the Assam Backward Classes Commission are not to be guided nor influenced with the prevailing affairs in the State of Manipur. In reality, the Bishnupriya Manipuri people and their language Bishnupriya Manipuri are actively alive in Assam with full recognition and in our opinion they rightly deserve to have their legitimate due.

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Chairperson,
Assam Backward Classes Commission,
Guwahati.

The objectors, in course of submissions, fairly concede that the Bishnupriya people deserve to have all privileges as OBC but not with their identity as Manipuri.

In the State of Tripura, the Bishnupriya Manipuri people have been recognised as a distinct class/community and enlisted as OBC under a separate serial number on their representation and on the recommendation of the Commissioner for OBC in the latest modified list of OBC published by the Govt of Tripura on 8th March, 1995. The Bishnupriya Manipuri is in serial No.9 and the Manipuri in Serial No.26 in that modified list.

We find no reasonings and substance in the objections and also in the submissions of the objectors that the Bishnupriya people in Assam have been wrongly or illegally prefixing or suffixing the term 'Manipuri' for identifying them and their language.

The above facts, discussions and observations lead us to express our views unhesitatingly that the nomenclatures 'Bishnupriya Manipuri' for identification of Bishnupriya section of people and their language have got the recognition in all circles and of the authorities. We, therefore, may observe this as a settled position.

Signature
Chairman,
Backward Classes Commission,
Dispur, Assam.

The list of Other Backward Classes in Assam was released in 1961 vide Govt Notification No.TAD/BC/6/61/15 dated 12th September,1961. Manipuri community was listed against Serial No.13 as 'Manipuri including Manipuri Brahmins and Manipuri Muslims'. The Bishnupriya Manipuris are treated as a religious section of the Hindu Manipuri in Assam. Therefore, they are treated as OBC of Assam since 12.9.1961 against Serial No.13 and have been enjoying the privileges granted to the OBC. The Bishnupriya Manipuri section was very much and inherently implied in Serial No.13 being part and parcel or religious section of Hindu Manipuri in Assam. But the Nikhil Bishnupriya Manipuri Mahasabha did submit a Memorandum dated 15.10.1975 before the Commissioner, Linguistic Minorities in India demanding ~~sp~~ special facilities for education and employment to Bishnupriya Manipuri as a More Backward Classes. The Commission referred the matter to the Assam Govt for consideration and report. The Govt of Assam in the Political(B) Department vide Memo No.PLB/62/74 dated 25.9.75 clarified the Commission stating that all Manipuris both Hindu and Muslim in the State of Assam are treated as Backward Classes, and the Bishnupriya Manipuri is a religious section of Hindu Manipuris and hence the question of providing them special consideration for education and employment not granted to any other Backward Classes, community did not arise. The Commissioner, Linguistic Minorities in India accordingly informed the Nikhil Bishnupriya Manipuri Mahasabha. With

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Chairperson,
Assam Backward Classes Commission,
Gauhati.

reference to the same subject matter, the Govt of Assam in TA & WPC Department vide Memo. No.TAD/BC/5/74/133 dated Dispur the 9th August,1975 gave similar reply to the Appointment(A) Department. Both the above-referred letters are in the record and relied upon. In these two letters, the Govt of Assam in clear terms declared and held that the Bishnupriya Manipuri is a religious section of Hindu Manipuri. The stand taken by Govt of Assam in those letters in 1975 has not been changed till date and accordingly the Bishnupriya Manipuri community have been enjoying all the rights/privileges of the OBC of Assam under Serial No.13 of the OBC List which they were enjoying since 1961.

The objectors submit that the Bishnupriyas are illegally enjoying the privileges of the OBC under Serial No.13 with unacceptable nomenclature Bishnupriya Manipuri and thereby deprived the Manipuri(Meitei) community. The objectors do not accept the status of the Bishnupriyas as a section of Hindu Manipuri as held by the two letters of 1975 of the Govt of Assam referred to above. This exception is raised for the first time by the objectors in this case where the Bishnupriya Manipuris(petitioners) have filed this case with specific prayers for split of Serial No.13 of the OBC list. It also appeared from various documents/communications of the objectors that they have approached all authorities from time

Signature
Chairperson,
Assam Backward Classes Commission,
Dispur, Assam.

to time complaining about Bishnupriyas using the nomenclature 'Manipuri' with it. But they could not show/produce any document/reply of any authority responding to their complaints. In view of Govt's clear order recognising Bishnupriya Manipuri as a section of Hindu and Manipuri in Assam, also in view of our earlier observations that the nomenclature 'Bishnupriya Manipuri' for identification of Bishnupriya people and their language has been recognised commonly and by authorities, we find no substance in the submissions of the objectors.

The Govt of Assam vide letter No. TAD/BC/268/75/37 dated 27 November 1975 of the TA & WBC Department issued the revised list of OBC and MOBC of Assam. The Manipuris are shown against Serial No.13 as before. The communities declared as MOBC have been clearly indicated/listed in this revised list of 1975.

The All Assam OBC Association is a recognised organisation of the OBC people of Assam and recognised by Govt of Assam for issuing caste certificates to the members of OBC. Its headquarter is at Guwahati. It has a network of organisations throughout Assam and the President or Secretary of the District OBC Associations issue caste certificates on the basis of identity given by the Association of the caste or a prominent member of the caste. The Association issues caste certificate to the Bishnupriya Manipuri as they are recognised as

Signature
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Backward Classes Commission,
Guwahati.

as OBC by Govt of Assam, and in this regard Govt letters No.TAD/BC/5/75/133 dated 9.8.75 and No.PLB/62/74 dated 25.9.75 have been referred^{to.} The Association expressed their positive views in writing dated 30.11.94 by supporting the claim and prayer of the petitioners.

The petitioners have filed twelve(12) OBC certificates issued to twelve (12) Bishnupriya Manipuri persons during previous years in order to substantiate that they are recognised and declared to have belonged to Manipuri caste/ community by the issuing authority. These certificates are in the record. We have duly verified these. It is also submitted by the petitioners that the head of the OBC Associations of Hailakandi and Silchar during the years 1978 and 1988 respectively were Meitei Manipuri and they also issued three certificates recognising and declaring two Bishnupriya Manipuris belonging to Manipuri caste/community. The objectors did not refute nor denied these contentions of the petitioners. Out of the twelve (12) certificates, nine (9) were issued by the All Assam OBC Association in between 1986-1994. Two certificates in 1978 were issued by the Secretary, OBC Association of Hailakandi Subdivision, Shri Biren Singh, a Meitei, to Shri Mihir Kumar Singha and Shri Sukhomoy Singha, both Bishnupriya Manipuri. The other certificate was issued to Shri Ashok Singha in 1988 by the President,

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Chairperson,
Backward Classes Commission,
Guwahati.

President, OBC Association, Silchar, Shri O.Churamani Singh, a Meitei. All those 12(twelve) certificates were duly honoured and recognised by the educational institutions and employers that the holders are Bishnupriya Manipuri and belonged to Manipuri community. Thus, it has been further substantiated that Bishnupriya Manipuris are althrough recognised and identified as Manipuri by the OBC Associations of Assam and even by Association headed by Meitei Manipuri. Therefore, in our opinion, the objectors have no reason now to argue that the Bishnupriyas cannot be identified with the nomenclature as 'Bishnupriya Manipuri' in Assam.

In view of our over all findings and observations above, we hold that the nomenclature 'Bishnupriya Manipuri' for identification of Bishnupriya people and their language in Assam are justly in recognition and use. The Bishnupriya Manipuri is a section of Manipuri community in Assam. They have been rightly enjoying the privileges of OBC in Assam under Serial No.13 of the OBC list of Assam as Manipuri since release of the OBC list in Assam. But non-mentioning the name of Bishnupriya Manipuri specifically within Serial No.13 has caused confusion leaving scope for the objectors to advance unreasonable arguments from time to time for resisting the legitimate claim of the Bishnupriya Manipuri as OBC. Inclusion of the name of Bishnupriya Manipuri in Serial No.13 of the OBC list of Assam

Agree
Chairperson,
Assam Backward Classes Commission

has now become imperative and this will decide the issue.

This Commission has jurisdiction under Section 9(1) of the Assam Backward Classes Commission Act 1993 to advise Government for amendment of a particular Serial No. of a community in the OBC list in order to include or add a section of that community and this comes within the purview of inclusion.

In the result, we recommend for amendment of the Serial No.13 'Manipuri' in the list of OBC and to add the name of 'Bishnupriya Manipuri' therein. Let the amendment be made in the following form:

Serial No 13- Manipuri including
Manipuri Brahmins, Manipuri Muslims
and Bishnupriya Manipuri.

It is requested that the Government of Assam will implement the recommendation at the earliest.

The petition is allowed.

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2. *P. K. Sengupta*

3. 



Chairperson

Assam Backward Classes
Commission

Members, Assam Backward Classes
Commission

Chairperson,
Backward Classes Commission,
Guwahati.

Assam Backward Classes Commission,
Guwahati.


Member-Secretary,
Assam Backward Classes Commission

Member-Secretary,
Assam Backward Classes Commission.